

UNITED STATES DISTRICT COURT

for the

Western District of Virginia

CLERK'S OFFICE U.S. DIST. COURT  
AT DANVILLE, VA  
FILED

MAR 24 2008

JOHN F. CORCORAN, CLERK  
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United States of America )

v. )

Sherman Stewart )

Date of Previous Judgment: October 31, 2005 )

(Use Date of Last Amended Judgment if Applicable) )

Case No: 4:04CR00012-001

USM No: 11271-084

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant ☐ the Director of the Bureau of Prisons ☒ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 84 months is reduced to 70.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 24

Amended Offense Level: 22

Criminal History Category: IV

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Previous Guideline Range: 77 to 96 months

Amended Guideline Range: 63 to 78 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☒ The reduced sentence is within the amended guideline range.  
☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.  
☐ Other (explain):

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated Oct. 31, 2005 shall remain in effect.

IT IS SO ORDERED.

Order Date: 3-24-08

*Jackson L. Kiser*  
Judge's signature

Effective Date: March 3, 2008 4-3-08  
(if different from order date)

Senior United States District Judge Jackson L. Kiser  
Printed name and title